



OLD BUCKENHAM HALL

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Whistleblowing Policy & Procedure

**(Includes
The Public Interest Disclosure Act 1998)**



OLD BUCKENHAM HALL

‘Whistleblowing’ Policy and The Public Interest Disclosure Act 1998

Introduction

The School has adopted this policy and the accompanying procedure on whistleblowing in order to encourage a culture of openness and accountability and in order to:

- a) encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected;
- b) provide staff with guidance as to how to raise those concerns; and
- c) reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. The policy also deals with reporting wrongdoing externally.

What is Whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include fraud, malpractice, danger to health and safety, criminal activity, miscarriages of justice, failure to comply with legal obligations or regulatory requirements, inappropriate behaviour or unethical conduct, negligence, breach of our internal policies and procedures or the deliberate concealment of any of the above matters. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities you should report it under this policy.

The Public Interest Disclosure Act 1998

This Act protects employees who raise legitimate concerns about specified matters from being dismissed by the School or from being subjected to detrimental treatment or victimised by either the School or work colleagues as a result, provided certain criteria are met. The Act makes provision about the kinds of disclosure which may be protected and the circumstances in which disclosures are protected. These rules are therefore intended to comply with the Act by encouraging employees to make disclosures about fraud, misconduct, bribery or other wrongdoing to the School, without fear of reprisal, so that problems can be identified, dealt with and resolved quickly.

The School’s policy is to support workers who raise protected disclosures. Employees must not victimise, subject to detrimental treatment or retaliate against an employee who has made a protected disclosure.

Employees are protected provided they reveal information of the right type (known as a “qualifying disclosure”) and they reveal that information to the right person and in the right way (known as making a “protected disclosure”).

Qualifying disclosures

Certain kinds of disclosure qualify for protection. These are disclosures of information which you reasonably believe are made in the public interest and tend to show one or more of the following relevant failures is either currently happening, took place in the past, or is likely to happen in the future:

- a criminal offence, including offences such as theft, fraud or acts of bribery
- the breach of a legal obligation
- a miscarriage of justice
- a danger to the health and safety of any individual
- damage to the environment
- deliberate concealment of information tending to show any of the above five matters.

Only disclosures of information that fall within one or more of these six categories qualify for protection.

Your belief must be reasonable, but it need not be correct. It might be discovered subsequently that you were, in fact, wrong or mistaken in your belief, but you must be able to show that you held the belief and that it was a reasonable belief to hold in the circumstances at the time of disclosure. Note that it is not your responsibility to investigate the matter. That is the School’s responsibility.

You must also reasonably believe that your disclosure is made in the public interest. It will therefore not include disclosures which can properly be characterised as being of a personal rather than a wider public interest, for example a disclosure about a breach of the terms of your own contract of employment.

Protected disclosures

For a qualifying disclosure to be a protected disclosure, you need to make it to the right person and in the right way. There are a number of methods by which you can make a protected disclosure, but the School always encourages all employees to raise any disclosure internally in the first instance.

You are protected if you make a qualifying disclosure to either:

- the School, or
- where you reasonably believe that the relevant failure relates solely or mainly to the conduct of a person other than the School or any other matter for which a person other than the School has legal responsibility, to that other person.

You are encouraged to raise any qualifying disclosures that you may have by following the disclosure procedure set out below.

This procedure is separate from the School’s adopted procedures regarding grievances. Employees should not use the whistleblowing procedure to raise grievances about their personal employment situation.

The Disclosure Procedure

This procedure applies to all permanent and temporary employees and workers. In addition, third parties such as agency workers, consultants and contractors and any others who perform functions in relation to the School should use it.

If you wish to make a qualifying disclosure, you should, in the first instance, report the situation in writing to your line manager, setting out in detail the nature of your disclosure. If you do not wish to contact your line manager, you can instead contact an alternative manager.

Such disclosures should be made promptly so that investigation may proceed and any action taken expeditiously.

Investigation

All qualifying disclosures will be treated seriously. The disclosure will be promptly investigated and, as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the nature and details of your qualifying disclosure and the basis for it. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate a disclosure, the School must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the disclosure. The School reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised the matter.

Once the investigation has been completed, you will be informed in writing of the outcome and the School's conclusions and decision as soon as possible. The School is committed to taking appropriate action with respect to all qualifying disclosures which are upheld.

You will not be penalised for raising a qualifying disclosure even if it is not upheld, unless the complaint was both untrue and made with malice.

Once the School's conclusions have been finalised, any necessary action will be taken. This could include either reporting the matter to an appropriate external government department or regulatory agency and/or taking internal disciplinary action against relevant members of staff. If no action is to be taken, the reasons for this will be explained to you.

A member of staff who is not satisfied that their concern is being properly dealt with will have a right to raise it in confidence with the Chairman of the Governors. The Chairman will then, in a timely manner, investigate the original disclosure and the investigation made by the Head/Deputy/Business Manager and take appropriate action to address the situation, informing the member of staff of progress and his view on the final resolution. It would normally be appropriate for the member of staff to advise the Headmaster/Deputy Head/Business Manager that they have taken this action.

External Procedures

Where all internal procedures have been exhausted, a member of staff shall have a right of access to the appropriate external authorities, including the Police, the Independent Safeguarding Agency and the Health & Safety Executive.

It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body including where the employee reasonably believes that:-

- exceptionally serious circumstances justify it;
- the School would conceal or destroy the relevant evidence;
- they would be victimised by the School; and/or
- the Secretary of State has ordered it.

Confidentiality

Employees who wish to raise a concern under this procedure are entitled to have the matter treated confidentially and their name will not be disclosed to the alleged perpetrator of malpractice without their prior approval. It may be appropriate to preserve confidentiality that concerns are raised orally rather than in writing, although members of staff are encouraged to express their concern in writing wherever possible. If there is evidence of criminal activity then the Police will in all cases be informed.

Protection from Reprisal or Victimisation

Victimisation of an employee or worker, or subjecting them to any form of detrimental treatment or retaliation (including bullying and harassment), for raising a protected disclosure under this procedure will not be tolerated by the School, is a disciplinary offence and will be dealt with under the School's disciplinary procedure. Depending on the seriousness of the offence, it may amount to potential gross misconduct and could result in your summary dismissal

Be aware that you can also be held personally liable for any act of victimisation or detrimental treatment of an employee or worker on the ground that they made a protected disclosure

You should immediately draw the attention of your line manager to suspected cases of victimisation or detrimental treatment related to either you or another employee or worker having made a protected disclosure

Covering up someone else's wrongdoing is also a disciplinary offence. Never agree to remain silent about a wrongdoing, even if told to do so by a person in authority, such as your line manager

Your right to make a protected disclosure under this procedure overrides any confidentiality provisions in your contract of employment

Maliciously making a false allegation is a disciplinary offence.

Review

This policy will be reviewed annually by the Business Manager annually or when there are changes in legislation.

Anne-marie Shropshire
Business Manager

~~Revised Sept 2013~~
Reviewed Sept 2014